

Message Text

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PAGE 01 STATE 208778
ORIGIN COME-00

INFO OCT-01 NEA-10 ISO-00 EB-08 L-03 CIAE-00 INR-07
NSAE-00 /029 R

DRAFTED BY USDOC/CAGNE:JHEARN:YW
APPROVED BY NEA/RA:SEPALMER,JR
NEA/ARN:DREUTHER
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NEA/RA:DTMORRISON
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R 312151Z AUG 77
FM SECSTATE WASHDC
TO USINT BAGHDAD

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: ARAB BOYCOTT: HOTEL CONSTRUCTION TENDERS

REF: A) BAGHDAD 1279; B) STATE 142390; C) 75 STATE 282318;
D) 75 STATE 281768

1. APPRECIATE USINT SENSITIVITY REFLECTED REF (A) TO
POLICY RE DISSEMINATION OF TO'S SUBJECT TO BOYCOTT CON-
DITIONS. USINT JUDGEMENT REFLECTED PARA 4 REF (A) IS
CORRECT. WHILE IN TECHNICAL SENSE CASE MIGHT BE MADE FOR
DISSEMINATION THIS EARLY WARNING ON BASIS THAT BOYCOTT
CLAUSE CITED PARA 3 REF (A) WAS FROM SET OF GENERAL
CONDITIONS AND NOT TIED TO SPECIFIC PROJECT TENDER, IT IS
COMMERCE JUDGEMENT THAT DISSEMINATION WOULD VIOLATE SPIRIT
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IF NOT LETTER OF POLICY ESTABLISHED IN SECRETARY'S
CIRCULAR NO. 21 OF NOVEMBER 21, 1975 (REFS C AND D). FACT
THAT TOURISM OFFICIALS ASKED IF NEW U.S. LAW WOULD PREVENT
BIDDING BY U.S. FIRMS (THERE IS NO REASON UNDER NEW LAW
OTHER THAN BOYCOTT CLAUSE IN TENDER TO PREVENT U.S. FIRMS
FROM BIDDING) AND THEIR STATEMENT IN CONTEXT OF DISCUSSION
THAT IRAQ PLANNING BOARD REQUIRES CITED BOYCOTT CLAUSE IN

EVERY MAJOR PROJECT TENDER ARE CONSIDERED SUFFICIENT TO
CONSTITUTE KNOWLEDGE THAT SUBJECT OPPORTUNITY IS SUBJECT TO
BOYCOTT CONDITION WITHIN MEANING AND INTENT OF CIRCULAR 21
AND TO BAR DISSEMINATION OF REFTEL INFORMATION. IF

SUBSEQUENT USINT INSPECTION OF TENDER DOCUMENTS FOR
PROJECT REVEALS ABSENCE OF BOYCOTT CONDITION, COMMERCE
WILL DISSEMINATE AT THAT TIME.

2. UNILATERAL SELECTION OF GOODS/SERVICES BY IRAQI
BUYER (I.E., IRAQI STATE ORGANIZATION FOR TOURISM AND
SUMMER RESORTS) IS IN SOME CASES PERMISSIBLE UNDER NEW
LAW. INSTANCE OF HOTEL CONSTRUCTION IN IRAQ WOULD ALSO
APPEAR TO BE COVERED BY EXPORT ADMINISTRATION ACT
AMENDMENTS OF 1977 (SECTION 4A(A)(2)(F) WHICH GENERALLY
ALLOWS COMPLIANCE WITH LAWS OF COUNTRY IN WHICH U.S.
PERSON IS RESIDENT AS TO ACTIVITIES EXCLUSIVELY THEREIN,
AND, SUBJECT TO LIMITATIONS TO BE DEFINED IN USDOC
REGULATIONS, WITH SUCH COUNTRY'S LAWS WITH RESPECT TO
IMPORTS FOR THE U.S. PERSON'S OWN USE (SEE ALSO PARA 6
REF (B)).

3. REQUEST INTEREST SECTION INFORM TOURISM OFFICIALS
OF THIS PARTICULAR ASPECT OF U.S. EXPORT ADMINISTRATION
ACT AMENDMENTS, INCLUDING CAVEAT THAT FULL EFFECT OF
THESE PROVISIONS CAN BE DETERMINED ONLY AFTER FINAL
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REGULATIONS ARE ISSUED. INTEREST SECTION ALSO REQUESTED
TO SEEK TOURISM ORGANIZATION DECISION NOT TO INCLUDE
BOYCOTT CONDITIONS/CLAUSES IN TENDER DOCUMENTS/NOTICES.
CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTRUCTION, BOYCOTTS, HOTELS, PROPOSALS (BID)
Control Number: n/a
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Sent Date: 31-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 22 May 2009
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Disposition History: n/a
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Disposition Remarks:
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From: STATE
Handling Restrictions: n/a
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ISecure: 1
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Litigation Codes:
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